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OFFICE OF PETITIONS

|                               |                             |
|-------------------------------|-----------------------------|
| In re Application of          | :                           |
| Dick, Kimura, Schepf, Morgan, | :                           |
| Luong, Robertson, and Gaffney | : DECISION ACCORDING STATUS |
| Application No. 10/040,794    | : UNDER 37 CFR 1.47(a)      |
| Filed: 7 January, 2002        | :                           |
| Atty Dkt P-1047               | :                           |

This is in response to the petition under 37 CFR 1.47(a), filed on 22 July, 2002.

The petition is **GRANTED**.

Petitioners have shown that non-signing inventor Tim Luong has refused to sign the application and that non-signing inventor Greg Morgan cannot be found. Specifically, petitioners have shown that a copy of the application was sent by Certified Mail to the last known addresses of both inventors. Joint inventor Luong returned the Certified Mail receipt but failed to sign and return the declaration. Additionally, the application sent to joint inventor Morgan was returned as undeliverable.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

It is also noted that the "Added Page to Combined Declaration" filed by facsimile with the petition on 22 July, 2002, states that joint inventor Dick is signing on behalf of non-signing joint inventors Morgan and Luong. 37 CFR 1.47(a) requires, however, that all signing inventors sign on behalf of themselves and on behalf of all of the non-signing inventors. Since the declaration has been signed by all of the signing inventors, the oath or declaration signed by joint inventors Dick, Kimura, Schepf, Robertson, and Gaffney is being construed as having been signed on behalf of themselves and non-signing joint inventors Morgan and Luong. Petitioners must inform the office if this is not a correct interpretation.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy